

MEMORANDUM

October 5, 1972

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert T. Kenney, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing Date: 10/17/72

Petition No. Z-2562  
Oriental Realty Trust  
Lewis A. Sassoon, Trustee  
1595-1609 Blue Hill Avenue  
Mattapan

Petitioner seeks a conditional use for a change of occupancy from a theatre to a warehouse, wholesale and retail of electrical supplies and accessory offices in a general business (B-1) district. The proposal violates the code as follows:

Section 8-7. Wholesale business is conditional in a B-1 district.

The property, located on Blue Hill Avenue near the intersection of Fairway Street at Mattapan Square, contains a one story masonry structure formerly the "Oriental Theatre". The proposed conversion could be compatible with the existing and proposed plans for Mattapan Square if the impact of truck access and loading activity on the business and abutting residential areas is minimized. Also the character of the structure still useful should be retained. Plans currently available to the staff do not indicate this. The staff recommends the following provisos as explicit to approval: that all plans be submitted for design review; that all storage and delivery facilities be completely enclosed and not encroach on abutting activities. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2562, brought by Oriental Realty Trust, 1595-1609 Blue Hill Avenue, Mattapan, for a conditional use for a change of occupancy from a theatre to a warehouse, wholesale and retail of electrical supplies and accessory offices in a general business (B-1) district, the Boston Redevelopment Authority recommends approval only with the following provisos: that all plans be submitted to the Authority for design review approval; that all storage and delivery facilities be completely enclosed and not encroach on abutting activities. The proposed conversion could be made compatible with the existing and proposed plans for Mattapan Square if the impact of truck access and loading activity on the business and abutting residential areas is minimized. Also, the character of the structure still useful should be retained. Current plans do not indicate this.







Board of Appeal Referrals 10/5/72

Hearing Date: 10/17/72

Petitions Nos. Z-2577-2578  
Robert C. Wright  
828-830 & 832-834 East Fifth Street  
South Boston

Petitioner seeks two forbidden uses and six variances to change the occupancy of each structure from a three family dwelling and store to a four family dwelling in a residential (R-.8) district. The proposal violates the code as follows:

<u>828-830 East Fifth Street</u>		<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	A dwelling converted for more families and not meeting one half of the lot area and open space requirements is forbidden in an R-.8 district.		
Section 14-1.	Lot area is insufficient.	5000 sf	2779 sf
Section 14-2.	Lot area for additional dwelling unit is insufficient.	1500 sf/du	0
Section 17-1.	Open space is insufficient.	800 sf/du	0

832-834 East Fifth Street

Same violations.

The properties, located at the intersection of East Fifth and P Streets, contain two four story brick structures. The stores, which have been vacant for several months, will be rehabilitated for residential occupancy. The proximity of Carson Beach, only two blocks distant, minimizes the open space violation. Exterior remodeling plans should be submitted for design review. Recommend approval with proviso.

VOTED: That in connection with Petitions Nos. Z-2577-2578, brought by Robert C. Wright, 828-830 & 832-834 East Fifth Street, South Boston, for two forbidden uses and six variances for a change of occupancy of each structure from a three family dwelling and store to a four family dwelling in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided that exterior remodeling plans are submitted to the Authority for design review. Vacant stores will be rehabilitated for more appropriate residential occupancy. The proximity of Carson Beach, only two blocks distant, minimizes the open space violation.



FARRAGUT

BROADWAY

ROAD

PUBLIC  
LANDING

Z-2577-78  
828-834 E. FIFTH ST.  
(S.B.)

BOULEVARD  
CLUB  
SOUTH  
YACHT  
CLUB

STREET

STREET

OLIVER HAZARD  
PERRY  
SCHOOL

PETERS STREET

MONKS STREET

STREET

STREET

STREET

STREET

SWALLOW STREET

O STREET PL.

EAST

CONVENT  
ST. BRIGGS  
CHURCH  
(I.R.C.)  
NAZARETH  
HIGH  
SCHOOL

ST. THEOPHILUS  
THE REDEMPTOR

LEONARD

BLISS

PLATE

CONLOW TER

FIFTH

SIXTH

SEVENTH



Board of Appeal Referrals 10/5/72

Hearing Date: 10/17/72

Petition No. Z-2595  
Allright Boston Parking, Inc.  
Jack Dunlap  
18-28 Milk Street and 115-135  
Devonshire Street, Boston

Petitioner seeks a conditional use to use premises as a parking lot for 67 cars for a fee in a general business (B-10) district. The proposal violates the code as follows:

Section 8-7. A parking lot is conditional in a B-10 district.

The property, formerly the New England Merchants Bank Building, located at the intersection of Milk and Devonshire Streets, contains 17,336 square feet of land. The lot has already been paved and an attendant's office constructed. The proposal is contrary to a mayoral policy statement re the demolition of buildings in the central business district for parking lots. Proliferation of open space parking in the downtown area has a blighting influence and disrupts vehicular and pedestrian circulation. Recommend denial.

VOTED: That in connection with Petition No. Z-2595, brought by Allright Boston Parking, Inc., 18-28 Milk and 115-135 Devonshire Streets, Boston, for a conditional use to use premises as a parking lot for 67 cars for a fee in a general business (B-10) district, the Boston Redevelopment Authority recommends denial. The lot has already been paved and an attendant's office constructed. The proposal is contrary to a mayoral policy statement re the demolition of buildings in the central business district for parking lots. Proliferation of these unsightly lots in the downtown area increases blight and disrupts congested vehicular and pedestrian traffic.



Z-2595

18-28 MILK ST.

115-135 DEVONSHIRE ST.

(B.P.)





Board of Appeal Referrals 10/5/72

Hearing Date: 10/17/72

Petition No. Z-2596

Scrub-A-Dub Auto Wash of Roslindale, Inc.  
565 American Legion Highway  
Roslindale

Petitioner seeks a conditional use to erect an addition to a car wash in a single family (S-.5) district. The proposal violates the code as follows:

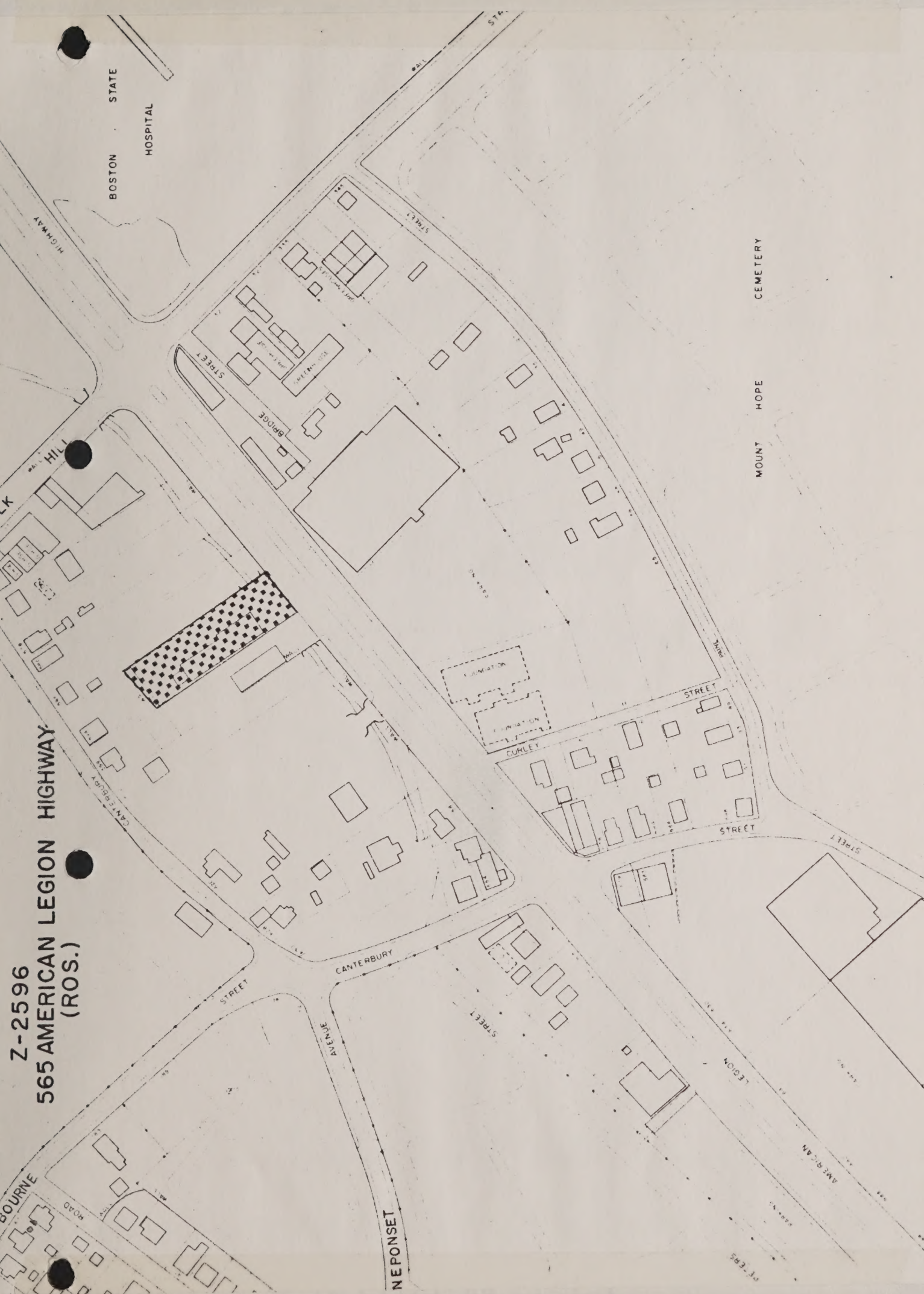
Section 8-6. A change in a conditional use requires a Board of Appeal hearing.

The property, located on American Legion Highway near the intersection of Walk Hill Street, contains a one story masonry structure on which a 12' high x 15' wide wall has been illegally constructed on the right front side at the roof line. It is proposed to attach a metal identification sign to the wall contrary to a 1960 Board of Appeal proviso. Such a sign would also be illegal under the sign control amendment to the zoning code now pending. A free standing double face identification sign presently exists at the entrance to the facility. The staff recommends that the wall be removed and the previous Board of Appeal proviso remain in effect. Recommend denial.

VOTED: That in connection with Petition No. Z-2596, brought by Scrub-A-Dub Auto Wash of Roslindale, Inc., 565 American Legion Highway, Roslindale, for a conditional use to erect an addition to a car wash in a single family (S-.5) district, the Boston Redevelopment Authority recommends denial. It is further recommended that the illegally constructed wall be removed and that the 1960 Board of Appeal proviso remain in effect. A sign proposed to be attached to such wall would also be illegal under a pending sign control amendment to the zoning code. A free standing double face identification sign presently exists at the entrance to the facility.



Z-2596  
565 AMERICAN LEGION HIGHWAY  
(ROS.)



BOSTON STATE  
HOSPITAL

CEMETERY  
MOUNT HOPE

NEPONSET

CANTERBURY

AVENUE

STREET

STREET

BRIDGE

STREET

STREET

STREET

LEGION

AMERICAN

PETERS

BOURNE

ROAD



Board of Appeal Referrals 10/5/72

Hearing Date: 10/17/72

Petition No. Z-2601  
Anthony Wine  
14-16 Derne Street  
Boston

Petitioner seeks a change in a non-conforming use for a change of occupancy from a loding house and store to a lodging house and restaurant in an apartment (H-2-65) district. The proposal violates the code as follows:

Section 9-2. A change in a non-conforming use requires a Board of Appeal hearing.

The property, located at the intersection of Derne and Temple Streets, contains a five story brick structure. The petitioner proposes to operate an "eat in" restaurant. This use meets with the approval of the Beacon Hill Civic Association provided that the premises are kept free of debris, that rubbish be kept in a storage room until time of disposal, that no alcohol be served on the premises, that the closing hour be no later than 11 p.m. The staff concurs with the BCHA. Recommend approval with provisos.

VOTED: That in connection with Petition No. Z-2601, brought by Anthony Wine, 14-16 Derne Street, Boston, for a change in a non-conforming use to change occupancy from a lodging house and restaurant in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the premises are kept free of debris, that rubbish be kept in a storage room until time of disposal, that no alcohol be served on the premises, that the closing hour be no later than 11 p.m.







Board of Appeal Referrals 10/5/72

Hearing Date: 10/24/72

Petition No. Z-2602  
Boston Edison Company  
19-27 Scotia Street, Boston

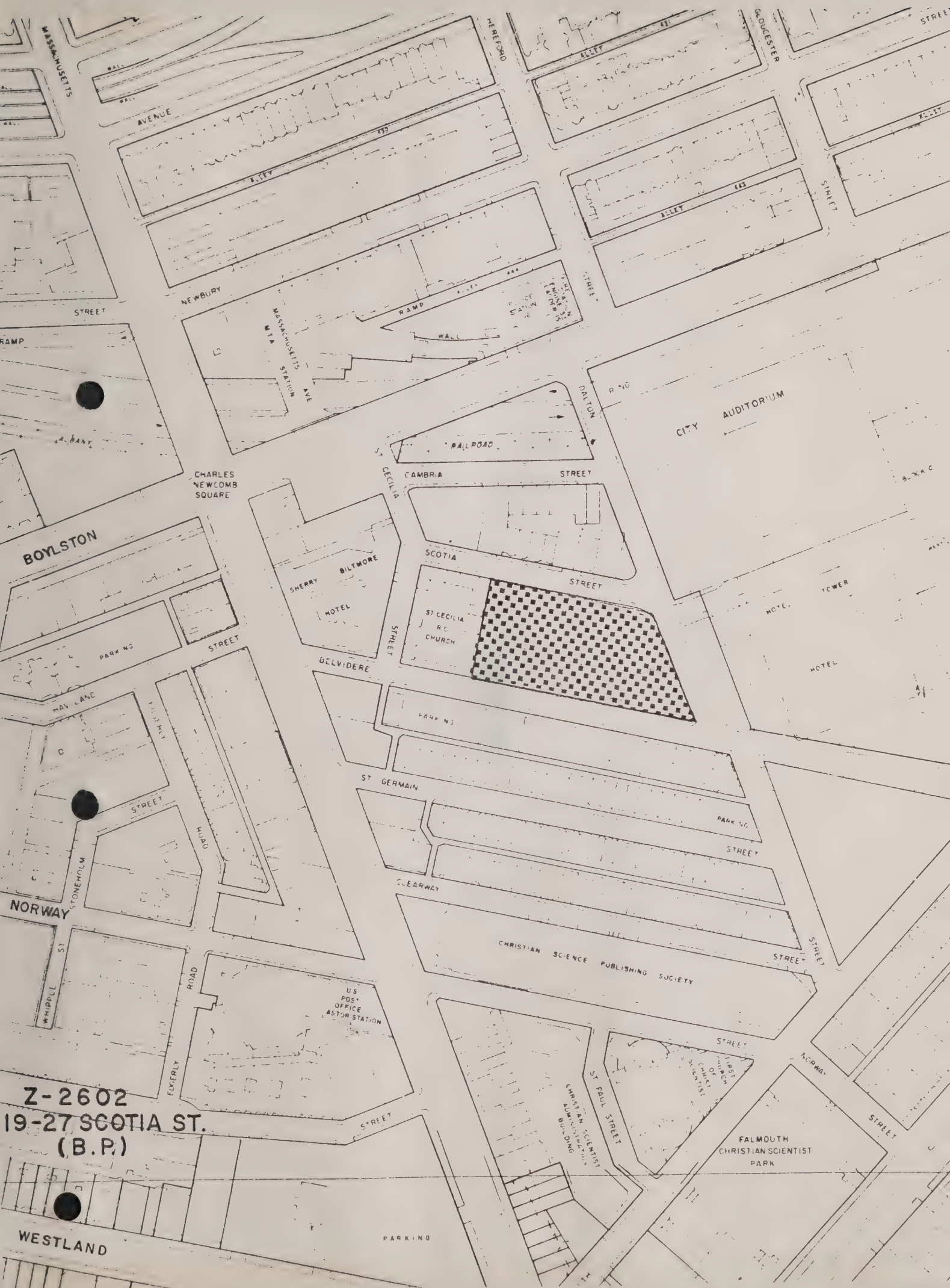
Petitioner seeks a variance to install two 36,000 gallon fuel oil storage tanks in a general business (B-2) district. The proposal violates the code as follows:

Section 7-4. In variance with former decision of Board of Appeal.

The property, located on Scotia Street at the intersection of Dalton Street in the Fenway Urban Renewal Area, contains a steam generating station. In 1963, the Board of Appeal approved the installation of one 36,000 gallon fuel oil storage tank. It is now proposed to install two additional similar tanks. A permit has been obtained from the Mass. Department of Public Health to convert to and burn #2 fuel oil. There is no objection provided that the facilities meet the requirements of the City of Boston Public Safety Commission and the regulations of the Commonwealth. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-2602, brought by Boston Edison Company, 19-27 Scotia Street, Boston, in the Fenway Urban Renewal Area, for a variance to install two 36,000 gallon fuel oil storage tanks in a general business (B-2) district, the Boston Redevelopment Authority recommends approval provided that the storage facilities meet the requirements of the City of Boston Public Safety Commission and the regulations of the Commonwealth.





Z-2602  
19-27 SCOTIA ST.  
(B.P.)



Board of Appeal Referrals 10/5/72

Hearing Date: 10/24/72

Petition No. Z-2604  
S. L. Taitelbaum  
106 Tremont Street, Brighton

Petitioner seeks a forbidden use and eleven variances to erect a three story and basement 24 unit apartment building in a residential (R-.5) district. The proposal violates the code as follows:

	<u>Req'd</u>	<u>Proposed</u>
Section 8-7.	Multi family dwellings are forbidden in an R-.5 district.	
Section 10-1.	Parking not allowed in required front yard nor within five feet of a side lot line.	
Section 14-1.	Lot area is insufficient. 2 acres	19,008 sf
Section 14-3.	Lot width is insufficient. 200 ft.	104 ft.
Section 14-4.	Street frontage is insufficient. 200 ft.	104 ft.
Section 15-1.	Floor area ratio is excessive. .5	1.3
Section 16-1.	Height of building is excessive. 2 stories	3 stories
Section 17-1.	Open space is insufficient. 1000 sf/du	794 sf/du
Section 18-1.	Front yard is insufficient. 25 ft.	4 ft.
Section 19-1.	Side yard is insufficient. 10 ft.	4 ft.
Section 20-1.	Rear yard is insufficient. 40 ft.	37 ft.
	result of Section 10-1. 24 spaces	12 spaces

The property, located on Tremont Street near the intersection of Cufflin Street, contains two frame dwellings which would be demolished. These residences are structurally sound and are occupied. The entire area in front of the proposed structure (existing tree shaded lawns) would be utilized for parking. The proposed development is inappropriate, excessive and does not comply with any of the requirements for a variance under Section 7-3. There is strong community opposition to the proposal. Recommend denial.

VOTED: That in connection with Petition No. Z-2604, brought by S. L. Taitelbaum, 106 Tremont Street, Brighton, for a forbidden use and eleven variances to erect a three story 24 unit apartment building in a residential (R-.5) district, the Boston Redevelopment Authority recommends denial. The existing residences are structurally sound, occupied and should not be demolished. The entire area in front of the proposed structure (existing tree shaded lawns) would be utilized as a parking lot. The proposed development is inappropriate, excessive and does not comply with any of the requirements for a variance under Section 7-3. There is strong community opposition to the proposal.



Z-2604  
106 TREMONT ST.  
(BRI.)





*as amended  
see below*

Board of Appeal Referrals 10/5/72

Hearing Date: 10/17/72

Petition No. Z-2606

The Faulkner Hospital Corporation  
44 Allandale Street, Jamaica Plain

Petitioner seeks a forbidden use and a variance to use premises as a parking lot for 197 cars in a single family (S-.3) district. The proposal violates the code as follows:

Section 8-7. An ancillary use for a hospital is forbidden in an S-.3 district.

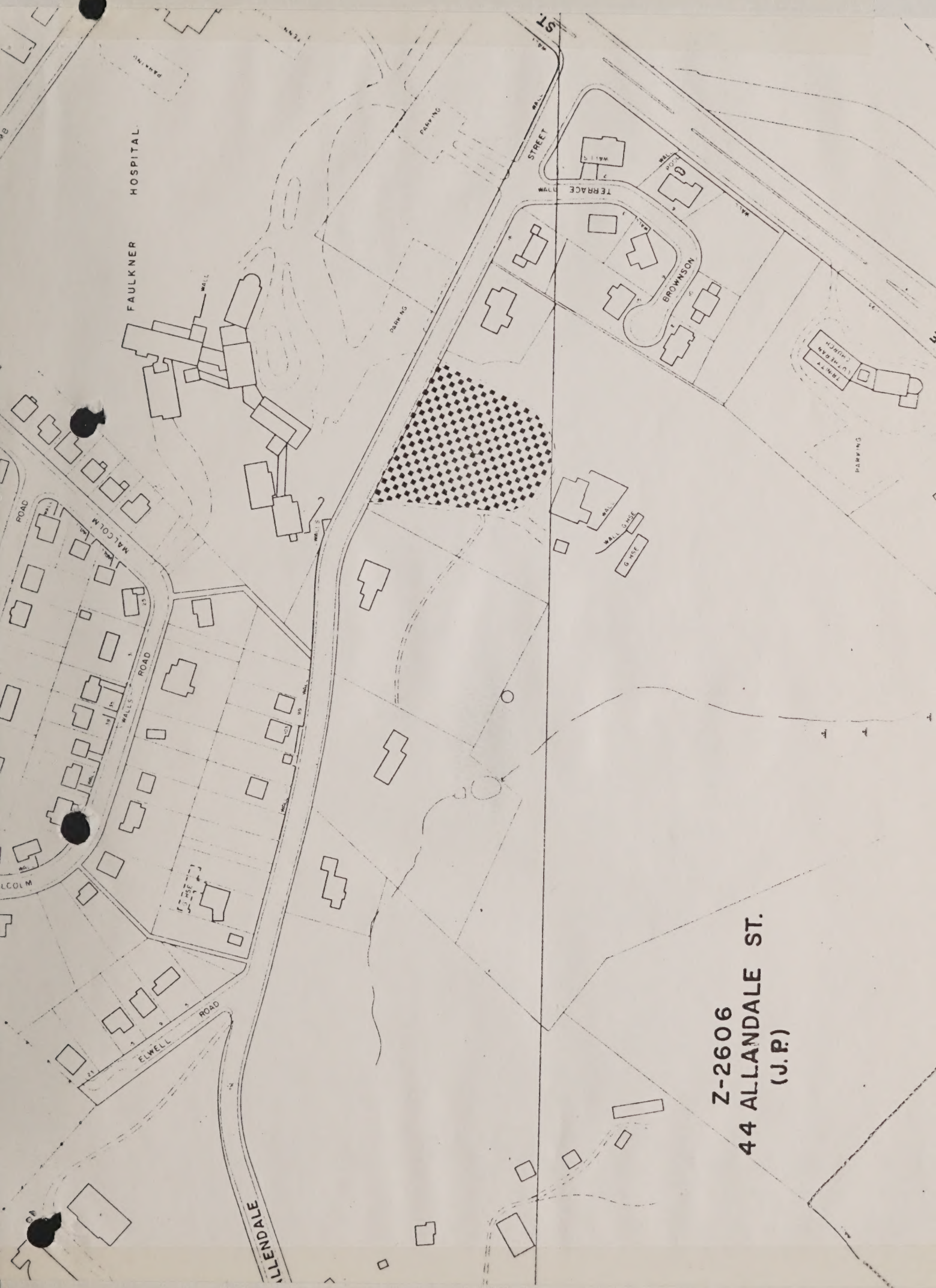
Section 18-1. Front yard is insufficient.

The property, located on Allandale Street near the intersection of Centre Street, contains approximately 60,000 square feet of vacant land. It is proposed to remove brush and small trees, regrade and install a barrier and lighting for the temporary parking of 197 cars. The petitioner states the use would be limited to such period of time as is necessary to construct a new hospital facility. The staff is opposed for the following reasons:

1. There is additional space available on hospital grounds to provide for temporary parking: the area at the intersection of Allandale and Centre Streets and the area at the rear of the hospital on Malcolm Road.
2. Additional parking for construction workers could be found on nearby church lots which are underutilized. Transportation could be provided to and from these facilities.
3. The proposed use of the Allandale Road parcel for temporary parking represents a further extension of a forbidden use into a single family residential neighborhood, and the community has expressed strong opposition to the proposal.
4. The hospital has not given sufficient evidence of making arrangements to use existing nearby church parking lots for temporary parking or staging development to reduce its impact.

VOTED: that in connection with Petition Z-2606 brought by the Faulkner Hospital Corporation, 44 Allandale Street, Jamaica Plain, for a forbidden use and a variance to use parking lot for 197 cars in a single-family (S-.3) district, the Boston Redevelopment Authority recommends approval for a three-year period only while the construction of the new hospital is in progress and subject to the condition that the land is to be restored to its present condition after the use for parking purposes has been terminated.





Z-2606  
44 ALLANDALE ST.  
(J.P.)



